

Appl. No.: 09/516,252
Amdt. dated 10/01/2004
Reply to Official Action of June 18, 2004

REMARKS

Applicants again appreciate the thorough examination of the present application, as evidenced by the first Official Action of this request for continued examination (RCE). Currently, Claims 1-37 and 39-92 are pending for examination. The first Official Action withdrew Claims 1-37, 39-71 and 73-92 from examination. In this regard, the first Official Action alleges that Claims 1-37, 39-71 and 73-92 are drawn to an invention that is independent or distinct from the originally presented, and previously examined, claims. The first Official Action rejected the other pending claim, namely independent Claim 72, under 35 U.S.C. § 101 as being drawn to non-statutory subject matter. In addition, the first Official Action rejected independent Claim 72 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0156661 to Jones et al.

In contrast to the allegation of the first Official Action, Applicants respectfully submit that Claims 1-37, 39-71 and 73-92 are, in fact, drawn to the same invention as that of the originally presented, and previously examined, claims. Nonetheless, Applicants have amended independent Claims 1, 11, 21, 28, 29, 32, 58, 72-74, 85 and 89, and correspondingly amended dependent Claims 2, 3, 7, 12, 13, 17, 22, 25-27, 33, 36, 37, 40-43, 45-48, 50, 59, 63, 76, 78, 81-84, 86 and 89. In this regard, Applicants have amended the aforementioned claims more in conformity with the originally presented claims, as explained in the Official Action. More particularly, Applicants have amended the aforementioned claims to recite offering items for sale in a group or package, the package being generated based on a package template and component descriptions of the items for sale. Applicants respectfully submit that previously presented and amended Claims 1-37, 39-71 and 73-92 are drawn to the same invention as the originally presented claims, and as such, Applicants request examination of these claims on the merits.

In addition, Applicants have amended independent Claim 72 to recite a computer program product including a computer-readable storage medium having computer-readable program code portions including a package schema data structure. The package schema data structure, in turn, includes at least one field stating whether an element is mandatory or optional, a list of required attributes, and coordinate defining matching criteria. In addition to the package schema data structure, the computer-readable storage medium also stores computer-

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readable program code portions for dynamically developing, in response to a consumer request for a package, at least one package of a plurality of elements to be offered for sale over the Internet via a web interface, the package being developed based upon the package schema data structure. Thus, consistent with the first Official Action, amended independent Claim 72 recites a computer-readable medium encoded with functional descriptive material that can function with a computer to effect a practical application that results in a useful, concrete and tangible result (i.e., developing at least one package). Applicants therefore respectfully submit that the rejection of independent Claim 72 under 35 U.S.C. § 101, as being drawn to non-statutory subject matter, is overcome.

The Official Action also rejected independent Claim 72 as being anticipated by the Jones application. As previously explained, the Jones application discloses a goal-oriented travel planning system. As disclosed, the system processes travel requests based upon a user's travel destination goal. The system processes the travel requests by interactively determining, from the travel destination goal, a travel itinerary, which may include flight information, hotel information, and ground transportation, to ensure the user accomplishes the travel destination goal. In contrast to the computer program product of amended independent Claim 72, the Jones application does not teach or suggest a package schema data structure that includes field(s) stating whether element(s) are mandatory or optional, a list of required attributes and coordinate(s) defining matching criteria. In addition, the Jones application does not teach or suggest dynamically developing at least one package of a plurality of elements, the package being developed based upon the package schema data structure.

The Jones application discloses interactively building an itinerary based upon a user's travel destination goal, where the itinerary may include air and/or ground transportation, hotels, restaurants, and activities. The Jones application discloses databases storing data relating to components of an itinerary, however, nowhere does the Jones application teach or suggest storing a package schema data structure, much less a package schema data structure including field(s) stating whether element(s) are mandatory or optional, a list of required attributes and coordinate(s) defining matching criteria. The Official Action alleges that "activity and restaurant information" relate to optional elements, and that "details about air travel, destination and time

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required to be at the destination" relate to a mandatory element. Although Applicants expressly disagree with this assertion, presume for the sake of argument that, in the itinerary building system and method of Jones, activity and restaurant information does relate to optional elements and air travel relates to a mandatory element. Even in such an instance, the Jones application does not teach or suggest a package schema data structure including those elements, nor does the Jones application teach or suggest a package schema data structure including fields stating that the activity and restaurant information is optional, and that air travel is mandatory.

Also, the Jones application discloses that components of an itinerary (e.g., transportation, hotel, restaurant, activities, etc.) can be selected based upon travel parameters, such as an indication of whether the user wants activity and restaurant information. See paragraph 0040. The Jones application does not teach or suggest, however, that the components of the itinerary are developed based upon a package schema data structure, as also recited by amended independent Claim 72. Generally, the Jones application is an itinerary building system that offers components of a travel itinerary to a user based upon a user's travel goal, and permits the user to interactively select one or more of those components to thereby build a travel itinerary. In contrast, the claimed invention of the present application dynamically generates or develops packages of elements based upon a package schema data structure or template, the template specifying the elements included in a respective package instead of the user, as in Jones.

Applicants therefore respectfully submit that the computer program product of amended independent Claim 72, and by dependency Claim 82, is patentably distinct from the Jones application. Thus, Applicants respectfully submit that the rejection of independent Claim 72 under 35 U.S.C. § 102(e), as being anticipated by the Jones application, is overcome.

Applicants also respectfully submit that Claims 1-37, 39-71 and 73-92 recite subject matter similar to that of amended independent Claim 72. In this regard, Claims 1-37, 39-71 and 73-92 recite generating or developing a package of items for sale based upon a template. As such, Applicants also respectfully submit that the invention of Claims 1-37, 39-71 and 73-92 is also patentably distinct from the Jones application, for at least the same reasons given above with respect to amended independent Claim 72.

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CONCLUSION

In view of the amendments to the claims and the remarks presented above, Applicants respectfully submit that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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